

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36230

STATE OF IDAHO,)	2009 Unpublished Opinion No. 737
)	
Plaintiff-Respondent,)	Filed: December 17, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
TERESA L. MANWILL,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Thomas F. Neville, District Judge.

Judgment of conviction and suspended unified sentence of fourteen years, with a minimum period of confinement of two years, for forgery, affirmed.

Greg S. Silvey, Kuna, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

MELANSON, Judge

Teresa L. Manwill pled guilty to forgery. I.C. § 18-3601. In exchange for her guilty plea, an additional charge was dismissed. The district court sentenced Manwill to a unified term of fourteen years, with a minimum period of confinement of two years. The district court suspended Manwill's sentence, placed her on probation, and imposed 365 days in jail as a condition of probation. Manwill appeals.

Manwill asserts that her sentence is excessive. Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Manwill also argues that the district court violated her due process and equal protection rights by imposing 365 days in jail as a condition of her probation which she contends was based upon her inability to pay restitution. The district court, however, properly considered the factors of I.C. § 19-2526, the goals of sentencing, the seriousness of the offense, and Manwill's absconding behavior in imposing her sentence. The district court also considered Manwill's failure to apply funds toward her restitution and concluded that the jail sentence was appropriate in part as punishment. *See State v. Todd*, 147, Idaho 321, 324, 208 P.3d 303, 306 (Ct. App. 2009). We conclude that the district court did not violate the Due Process or Equal Protection Clauses in sentencing Manwill.

Therefore, Manwill's judgment of conviction and sentence are affirmed.

Judge GRATTON, **CONCURS.**

Chief Judge LANSING **CONCURS IN THE RESULT.**